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EXAMINER
TARAE, CATHERINE MICHELLE

ART UNIT	PAPER NUMBER
3623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/747,320

Applicant(s)

BUDKA ET AL.

Examiner

C. Michelle Tarae

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the Appeal Brief received on October 31, 2006. Prosecution has been reopened. Claims 1-19 are now pending in this application.

### ***Response to Arguments***

2. Applicant's arguments are moot in view of the new grounds of rejections provided below.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites a request window to receive and display a request identifier and status; however, it is not clear what the request is for. Clarification is requested.

Independent claims 8, 15 and 19 recite similar limitations and therefore, share the same deficiencies as discussed above in claim 1.

For examination purposes, Examiner is interpreting the request window to receive and display any requested data relating to a project.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 7-8, 10, 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by User's Guide for Microsoft Project for Windows 95 and Windows 3.1, 1995 (hereinafter, MS Project).

As per claim 1, MS Project discloses a data structure for an automated project tracking system, the data structure residing in a computer readable memory and comprising:

a project window comprising a project identification field formatted to receive and display a project identifier and a project status field formatted to receive and display a project status (pages 111-119; MS Project provides several window views of various project-related information such as resources, task and schedule data. The form views (page 114) receive and display project identification and status information.);

a request window comprising a request identification field formatted to receive and display a request identifier and a request status field formatted to receive and display a request status (pages 79, 114-115; In a combination view, for example, the project information selected and requested in the upper window is displayed in the lower window. Views may be displayed within the project window or a preview window, where

any project information selected and identified to be displayed in a view is essentially "request" information, making the preview window the "request" window.); and

a task window comprising a task identification field formatted to receive and display a task identifier and a task status field formatted to receive and display a task status (pages 113-119; MS Project provides several window views of various project-related information such as resources, task and schedule data. The form views (page 114) receive and display task identification and status information.), the task window being read access only to a user who is not a person who is in charge of the project (page 215; Certain data may be indicated as read access only to ensure that only authorized people can edit it.),

wherein one of the request window and task window is displayed within the project window while the project identifier and the project status are displayed within the project window concurrently (pages 79, 115, last page; Combination views allow multiple project windows to be displayed concurrently.), and

wherein the request and task windows are displayed as overlapped pages within the project window and each of the request and tasks windows is selectable via a page selector within the project window (pages 79, 115, last page; Combination views allow multiple project windows to be displayed concurrently. Additionally, an item may be double-clicked within the project window to open additional windows such as task windows, thereby causing overlapped windows as shown on the last page.).

As per claim 2, MS Project discloses the data structure of claim 1, wherein the project window further comprises a request list, comprising:

a request identification field formatted to display a request identifier for each of a number of requests for a project and a request status field formatted to display a request status for each of the number of requests for the project (page 79; Views may be displayed within the project window or a preview window, where any project information selected and identified to be displayed in a view is essentially "request" information, making the preview window the "request" window.).

As per claim 3, MS Project discloses the data structure of claim 1 wherein the request window further comprises a task list, comprising:

a task identification field formatted to display a task identifier for each of a number of tasks for a request for a project and a task status field formatted to display task status for each of the number of tasks for the request for the project (pages 113, 116; Task names, or identifiers, are displayed along with their progress, or status, in the project.).

As per claim 7, MS Project discloses the data structure of claim 1 wherein the request window further comprises a request list, comprising:

a request identification field formatted to display a request identifier for each of a number of requests for a project and a request status field formatted to display a request status for each of the number of requests for the project (pages 79, 114-115; In a combination view, for example, the project information selected and requested in the upper window is displayed in the lower window. Views may be displayed within the project window or a preview window, where any project information selected and

identified to be displayed in a view is essentially "request" information, making the preview window the "request" window.).

The limitations of claims 8, 10, 14-19 are substantially similar to those recited in claims 1-3 and 7. As such, claims 8, 10, 14-19 are rejected based on the same reasoning applied to claims 1-3 and 7 above.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-6, 9, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over User's Guide for Microsoft Project for Windows 95 and Windows 3.1, 1995 (hereinafter, MS Project) and Knudson et al. (U.S. 5,765,140).

As per claim 4, MS Project does not expressly disclose the data structure of claim 1 wherein the task window further comprises an invoice list, comprising: an invoice identification field formatted to display an invoice identifier for each of a number of invoices for a task and an invoice amount field formatted to display an invoiced amount for each of the number of tasks. However, MS Project does disclose tracking costs associated with each task for a project (pages 42-45, 57 and 126). Examiner

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takes Official Notice that costs tracked for a project are used to generate invoices for the project. Knudson et al. discloses an invoice identification field formatted to display an invoice identifier for each of a number of invoices for a task and an invoice amount field formatted to display an invoiced amount for each of the number of tasks (col. 9, lines 1-4; The system discloses billing and charge back functionalities in the project tracking system.). MS Project and Knudson et al. are analogous arts in that each tracks various information relating to projects. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify MS Project to include invoice fields for each task as doing so would enable MS Project to combine its existing cost tracking features with invoicing features, thereby enhancing its cost tracking features to include billing features, which would facilitate a more seamless streamlining of project management with project billing.

As per claim 5, MS Project does not expressly disclose the data structure of claim 1 wherein the task window further comprises: a committed amount field formatted to automatically display a cumulative total of amounts committed to a project and an invoiced amount field formatted to automatically display a cumulative total of amounts invoiced to the project and a balance amount field formatted to automatically display a difference between the cumulative total of amounts committed to the project and the cumulative total of amounts invoiced to the project. However, MS Project does disclose tracking costs associated with each task for a project (pages 42-45, 57 and 126).

Examiner takes Official Notice that costs tracked for a project are used to generate invoices for the project. Knudson et al. discloses wherein the task window further



comprises: a committed amount field formatted to automatically display a cumulative total of amounts committed to a project and an invoiced amount field formatted to automatically display a cumulative total of amounts invoiced to the project and a balance amount field formatted to automatically display a difference between the cumulative total of amounts committed to the project and the cumulative total of amounts invoiced to the project (col. 8, lines 4-40; col. 9, lines 1-4; The system tracks the progress of project tasks so that cumulative labor costs are also tracked.). MS Project and Knudson et al. are analogous arts in that each tracks various information relating to projects. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify MS Project to automatically display a cumulative total of amounts committed to a project and an invoiced amount field formatted to automatically display a cumulative total of amounts invoiced to the project and a balance amount field formatted to automatically display a difference between the cumulative total of amounts committed to the project and the cumulative total of amounts invoiced to the project as doing so would enable MS Project to combine its existing cost tracking features with invoicing features, thereby enhancing its cost tracking features to include billing features, which would facilitate a more seamless streamlining of project management with project billing.

As per claim 6, MS Project does not expressly disclose the data structure of claim 1 wherein the project window further comprises a funding source list, comprising: a funding source identification field formatted to display a funding source identifier for each of a number of funding sources for a project and a funding amount field formatted

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to display a funding amount for each of the number of funding sources for the project. Knudson et al. discloses a funding source identification field formatted to display a funding source identifier for each of a number of funding sources for a project and a funding amount field formatted to display a funding amount for each of the number of funding sources for the project (col. 8, lines 10-29; The system discloses mapping funding sources to projects, where the funding sources are identified and stored in a database.). MS Project and Knudson et al. are analogous arts in that each tracks various information relating to projects. At the time of the invention, it would have been obvious to a person of ordinary skill in the art modify MS Project to have a funding source identification field formatted to display a funding source identifier for each of a number of funding sources for a project and a funding amount field formatted to display a funding amount for each of the number of funding sources for the project, to ensure that funding sources are available to cover the costs associated with the project, thereby enhancing the existing budget tracking features of MS Project (pages 126-127).

The limitations of claims 9, 11-12 are substantially similar to those recited in claims 4-6. As such, claims 9, 11-12 are rejected based on the same reasoning applied to claims 4-6 above.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over User's Guide for Microsoft Project for Windows 95 and Windows 3.1, 1995 (hereinafter, MS Project).

As per claim 13, MS Project does not expressly disclose wherein the visual representation of the project window is in a first color, the visual representation of the request window is in a second color and the visual representation of the task window is in a third color. However, MS Project et al. does disclose utilizing color to identify certain project data such as critical tasks (page 53). Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify MS Project so the visual representation of the project window is in a first color, the visual representation of the request window is in a second color and the visual representation of the task window is in a third color so that users can more easily view the different data of the project, thus enhancing the user-friendliness of the project tracking system.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "C. Michelle Tarae". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

C. Michelle Tarae  
Primary Patent Examiner  
Art Unit 3623

January 22, 2007